


IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT COURT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.
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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

KAREN McBRIDE,

Plaintiff,

v.

SMITH & NEPHEW, INC.

Defendant.

CIVIL ACTION NO. 05-2336-B An

RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates
are established as the final dates for:

INITIAL DISCLOSURES (RULE 26(a)(1)): September 15, 2005;

JOINING PARTIES:

(a) for Plaintiff: October 16, 2005;

(b) for Defendant: November 15, 2005;

COMPLETING ALL DISCOVERY: April 17, 2006;

(a) Request for Production, Interrogatories, and
Requests for Admissions: April 17, 2006;

(b) Expert Disclosure (Rule 26(a)(2)):
(i) Case in Chief Experts: January 17, 2006;
(ii) Rebuttal Experts: March 16, 2006;
(iii) Supplementation under Rule 26(e) March 27, 2006;

(c) Depositions of Experts: April 17, 2006;

FILING DISPOSITIVE MOTIONS

May 17, 2006;

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- | | | |
|-----|---------------|-----------------------|
| (a) | for Plaintiff | 30 days before trial; |
| (b) | for Defendant | 30 days before trial; |

Parties shall have ten (10) days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last **three (3) to four (4) days**. The presiding judge will set this matter for **jury trial**. In the event the parties are able to agree on a joint pretrial order, the parties must notify the court at least ten (10) days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admission must be submitted to the opposing party in sufficient time for the opposing party to respond to the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within thirty (30) days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within thirty (30) days, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59 and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.


The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

The parties are ordered to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.


S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

DATE: August 03, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 6 in case 2:05-CV-02336 was distributed by fax, mail, or direct printing on August 3, 2005 to the parties listed.

Charles V. Holmes
LEWIS FISHER HENDERSON CLAXTON & MULROY
6410 Poplar Ave.
Ste. 300
Memphis, TN 38119

Melissa Kimberly Hodges
LEWIS FISHER HENDERSON CLAXTON & MULROY
6410 Poplar Ave.
Ste. 300
Memphis, TN 38119

Donald A. Donati
DONATI LAW FIRM LLP
1545 Union Ave.
Memphis, TN 38104

Honorable J. Breen
US DISTRICT COURT